THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.793 of 2005

16.8.2005

Between:

P. Ramaiah, S/o. Sri Chinna ankaiah,
R/o. 4-2-75/4/3, Srinivasa Nagar, Khammam.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by Principal Secretary, Minor Irrigation (CAD), Andhra Pradesh Secretariat, Saifabad. Hyderabad.
2 The Superintending Engineer (I & CAD) Irrigation Circle, Warangal.
3 The Executive Engineer, Irrigation Circle, Mulugu, Warangal.
4 The Divisional Forest Officer, Warangal North Range, Bhupalli Range, Warangal.

.....RESPONDENTS

ORDER:

The petitioner is a Government contractor. He was entrusted with the work of formation of a new tank across Chinthagandi stream at Nainpak village in Chityal Mandal of Warangal District. Under the contract specifications, it is required to excavate 37,529 M^3 of earth for the purpose of forming a tank bund. Accordingly, when he commenced the work on 26.12.2004, the fourth respondent seized the earth moving machinery, namely, three tippers and two tractors. This action of the fourth respondent in seizing the vehicles is assailed in the writ petition.

This Court while admitting the writ petition passed interim orders directing release of the seized vehicles on petitioner furnishing bank guarantee. Accordingly, it is now stated that the vehicles were released.

The fourth respondent has moved this Court for vacating the interim orders raising various contentions. It is, however, not necessary to elaborately refer them. It may, however, be noticed that the fourth respondent initiated action under Section 44 (2-A) of A.P. Forest Act, 1967 (the Act) for confiscation of the vehicles seized in connection with a forest offence, which was already registered. Therefore, it would not be proper to deal with the contention of the learned Counsel for the petitioner that the petitioner or his men never removed any material or earth from the forest area and such earth was removed for the purpose of formation of new tank bund. This is the matter that has to be gone into by the fourth respondent under Section 44 (2-A) of the Act. Now, that the vehicles are already released to the petitioner

pursuant to the orders of this Court. The petitioner is, therefore, given liberty to approach the fourth respondent with appropriate pleas. The fourth respondent may consider all the defenses raised by the petitioner and pass appropriate orders under Section 44 (2-A) of the Act within a period of six weeks from the date of receipt of a copy of this order. The release of the vehicles, as ordered by this Court, shall be subject to the orders that may be passed by the fourth respondent.

The writ petition, with the above observations and directions, is disposed of. No costs.

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(V.V.S. RAO,J)

August 16, 2005

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